



## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### ADVISORY PLANNING COMMISSION MINUTES OF DECEMBER 18, 2018 COUNCIL CHAMBERS, MUNICIPAL HALL

---

<b>PRESENT:</b>	Graeme Dempster Michael Angrove Fil Ferri Chris Munkacsi	Duncan Cavens Helen Edley Marie Fidoe
<b>STAFF:</b>	Bill Brown, Director of Development Services, Staff Liaison Will Wieler, Engineering Manager Janany Nagulan, Planner Pearl Barnard, Recording Secretary	
<b>COUNCIL LIAISONS:</b>	Councillor Megan Brame Councillor Jacob Helliwell	

---

#### I. CALL TO ORDER

Graeme Dempster, Vice Chair, called the Advisory Planning Commission meeting to order at 7:05 p.m.

#### II. ELECTION OF CHAIR

Nominations were called for and Mike Angrove nominated Graeme Dempster, seconded by Duncan Cavens. Graeme Dempster was elected by acclamation as Chair for the year 2018.

#### III. ELECTION OF VICE CHAIR

Nominations were called for and Duncan Cavens nominated Mike Angrove, seconded by Helen Edley. Helen Edley nominated Marie Fidoe, seconded by Chris Munkacsi. Mike Angrove was elected as Vice Chair for the year 2018.

#### IV. LATE ITEMS

There were no late items.

#### V. APPROVAL OF THE AGENDA

It was suggested that Staff Report 2) Development Variance Permit, 404 Constance Avenue be moved to the first item on the agenda.

Moved by Duncan Cavens, seconded by Fil Ferri: That the agenda be approved as amended.  
**Carried Unanimously**

#### VI. ADOPTION OF MINUTES

Moved by Fil Ferri seconded by Duncan Cavens: That the minutes of the APC meeting, October 16, 2018 be adopted as circulated. **Carried Unanimously**

#### VII. STAFF REPORTS

- 1) **DEVELOPMENT VARIANCE PERMIT**  
404 Constance Avenue

Timothy Munro & Vanessa Pattison, Applicants/Owners provided an overview of the Development Variance Application for 404 Constance Avenue, and responded to questions from the Committee.

**Commission comments and questions included (*response in italics*):**

- Is the application in response to a complaint from a neighbour? *Yes*
- The fence will not obstruct visibility while driving in the area and can be a tool to deal with the deer population
- Fence height is to protect the public realm, this fence is nice, you can see through it
- Concerns if approved, could set a precedence to address deer issues and fence heights in the future
- A hedge could be the same height or taller, the fence is more aesthetically appealing

**RECOMMENDATION:**

Moved by Duncan Cavens, seconded by Marie Fidoe: That the application for a Development Variance Permit, legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin Land Surveyor Inc. stamped "Received June 12, 2018" and as shown in photographs provided, stamped "Received September 10, 2018" and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve;** as the fence design allows you to see through it thereby avoiding the look of a solid wall and is aesthetically pleasing.

**Zoning Bylaw, 1992, No.2050, Section 36(9)(10) – Fencing** – A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres].

**Carried** (2 opposed Mike Angrove and Chris Munkacsi)

**2) DEVELOPMENT VARIANCE PERMIT  
832 Old Esquimalt Road**

Michael Staite, Owner provided an overview of the Development Variance Permit Application for 832 Old Esquimalt Road.

**Commission comments and questions included (*Staff response in italics*):**

- Other than aesthetics, what is the intention of the Bylaw? *To provide underground service from the nearest utility pole. The Official Community Plan encourages underground electrical servicing and it is also a requirement in the Subdivision Development Control Bylaw. It is evidence of the community wishes to have underground utilities for new developments.*
- Not aesthetically pleasing looks like a temporary pole.
- Will the surety deposit cover this? *A surety deposit is taken to address situation like this. Concern that there is quite a difference in the amount taken and the amount required to address this.*
- Why was this not identified earlier? *The Bylaw requires a Hydro design the applicant went through the Express connect which doesn't require a Hydro design.*
- The applicant's proposed options were discussed. Members asked about the possibility of using the Telus pole. *Connecting to the Telus pole would probably not be possible and if this option was used, it would still be an overhead service.*
- If approved this could set precedence in the future.

**RECOMMENDATION:**

Moved by Mike Angrove, seconded by Chris Munkacsi: The application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to the hydro service be varied as follows, for the development located at PID 000-150-037, Lot 7, Section 11, Esquimalt District, Plan 307, **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission of denial; as the proposal does not comply with the Bylaw and is aesthetically unpleasing.**

**Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) –** “For all parcels, except those Zoned for Single Family use, connections for electrical power, telephone and television communications shall be installed underground, starting at existing overhead or underground systems”

**Carried** (2 opposed Marie Fidoe and Helen Edley)

Marie Fidoe recused herself at 7:50pm due to a conflict of interest, as she resides in the area, and left the meeting.

**3) DEVELOPMENT VARIANCE PERMIT  
1181 Old Esquimalt Road**

Ross McPhee, Applicant/Owner provided an overview of the Development Variance Application for 1181 Old Esquimalt Road, and responded to questions from the Committee.

**Commission comments and questions included (Staff response in italics):**

- Was the neighbour to the west consulted? *Yes, it is my understanding it is not an issue. Not looking into any windows, quite a large yard.*

**RECOMMENDATION:**

Moved by Duncan Cavens, seconded by Helen Edley: That the application for a Development Variance Permit, legitimizing the existing deck as sited on Site Plan prepared by Wey Mayenburg Land Surveying Inc., stamped “Received October 12, 2018” and referenced in archived building drawings, stamped “ Received February 15, 2016” and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve;** as the proposed variance is relatively minor and the deck has existed for more than a decade.

**Zoning Bylaw, 1992, No.2050, Section 34 (9) (a) (ii) – Setback Requirements –** Principal Building. A 0.3 metre decrease to the requirement that no principal building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building. **Carried Unanimously**

Marie Fidoe returned to the meeting at 7:57pm

4) REZONING APPLICATION  
821/823/825 Wollaston Street

**Commission comments and questions included (Staff response in italics):**

- Why is the Township initiating this rezoning application? *A Development Variance Permit was submitted in May 2018 for a parking variance, at that time it was identified that the existing use was not permitted in the current zone. To allow the variance, the property would have to be rezoned. The Township's records are non conclusive, therefore the initiation was taken to legalize the existing use.*

**RECOMMENDATION:**

Moved by Mike Angrove, seconded by Chris Munkacsi: That the application for rezoning, to legitimize the existing non-conforming Triplex in accordance with Certified B.C Land Survey prepared by Island Land Surveying Ltd. stamped "Received November 20, 2018" and be consistent with Strata Floor Plans prepared by Michael J. McIlvaney, Stamped "Received October 9, 2018" for the existing triplex located at 821, 823 & 825 Wollaston [PID 026-216-485, 026-216-507, 026-216-493; Strata Lot 1,2 & 3, Section 11, Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve;** as it will legitimize the existing historical use. **Carried Unanimously**

VIII. NEXT REGULAR MEETING

Tuesday, January 15, 2019

IX. ADJOURNMENT

The meeting adjourned 8:05 p.m.

CERTIFIED CORRECT

---

CHAIR, ADVISORY PLANNING COMMISSION  
THIS 19<sup>th</sup> DAY OF FEBRUARY 2019

---

ANJA NURVO, CORPORATE OFFICER